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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,617	01/17/2007	Tetsujiro Kondo	286439US6PCT	9553
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EXAMINER NORTON, JENNIFER L				
ART UNIT 2121		PAPER NUMBER		
NOTIFICATION DATE 12/23/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/570,617

Applicant(s)

KONDO, TETSUJIRO

Examiner

JENNIFER L. NORTON

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4, 26, 29-34, 36 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 26, 29-34, 36 and 38-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a **Non-Final Office Action** in response to the Request for Continued Examination filed on 19 October 2010. Claims 1, 26, 29 and 36 have been amended (per Claims filed on 9 September 2010). Claims 35, 37, 41 and 42 have been cancelled (per Claims filed on 9 September 2010). Claims 2, 5-25, 27 and 28 were previously cancelled. Claims 1, 3, 4, 26, 29-34, 36 and 38-40 are pending in this application.

Response to Arguments

2. Applicant's arguments, see Remarks pgs. 7-11, filed 9 September 2010 with respect to claims 1, 3, 4, 26, 29-34, 36 and 38-40 under 35 U.S.C. 103(a) have been considered but are moot in view of the new ground(s) of rejection.

3. Claims 1, 3, 4, 26, 29-34, 36 and 38-40 stands rejected under 35 U.S.C. 103(a) as set forth below.

35 U.S.C 112, 6th Paragraph

4. The claimed limitations of claims 1 and 29 have been treated under 35 U.S.C. 112, sixth paragraph.

Claim Objections

5. The amendment to the Claims was received on 9 September 2010. The objection to claims 35, 37, 41 and 42 is moot in view of the cancellation of the respective claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 4, 26, 29-34, 36 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,586,254 (hereinafter Kondo) in view of U.S. Patent No. 7,650,520 B2 (hereinafter Schaffer).

7. As per claim 1, Kondo teaches a control device (Fig. 1a, element 102) for controlling components of a building (col. 18, lines 20-34, col. 19, lines 4-6, col. 27, lines 63-67 and col. 28, lines 1-5), comprising:

control means (Fig. 1a, element 103) for changing a configuration of at least one component configuration (col. 26, lines 45-58 and col. 28, lines 6-14; i.e. changing the color, flashing on or off, displaying in enlarged manner, changing display symbols) of components making up said building (col. 18, lines 20-34);

acquiring means for acquiring status information (col. 26, lines 4-52); and
determining means for determining an importance (i.e. the magnitude of
significance of the fault) of said status information acquired by said acquiring means
(col. 27, lines 40-54),

wherein, based on said importance of said status information acquired by
said acquiring means, said control means deforms (i.e. changing display
symbols) a shape of a shape-variable member (col. 26, lines 45-58 and col. 28,
lines 6-14).

Kondo does not expressly teach said control means applies current to a shape-
variable member disposed around a point of entry in said building to transform said
shape-variable member from a shape-fixed state to a shape-variable state to physically
deform a shape of said shape-variable member or controls power supply to an electric
socket disposed in said building to physically change said configuration.

Shaffer teaches controlling power supply (via Fig. 2B, element 258) to an electric
socket (Fig. 1B, element 112; i.e. intelligent electrical outlet) disposed in said building
(Fig. 1B, element 102) to physically change said configuration (col. 4, lines 33-43 and
col. 7, lines 40-64; i.e. controlling power to intelligent electrical outlets).

Therefore, it would have been obvious to a person of ordinary skill in the art at
the time of applicant's invention to modify the teaching of Kondo to include controlling
power supply to an electric socket disposed in said building to physically change said

configuration to effectively redistribute the timing of power consumption, thus alleviating potential power crises, and providing an automatic system for users to bid for lower cost power, and hence providing an automatic system for power companies to sell power during low power consumption periods (col. 2, lines 5-11).

8. As per claim 3, Kondo teaches as set forth above said status information is information indicating the status illumination in said component (col. 30, lines 29-61).

9. As per claim 4, Kondo teaches as set forth above a status information storing means (Fig. 11, element 900) which stores a list (Fig. 11, element 903) relating to said status information (col. 20, lines 10-19, col. 26, lines 52-58 and col. 27, lines 43-54).

10. As per claim 26, Kondo teaches a control method of a control device (Fig. 1a, element 102) for controlling components of a building (col. 18, lines 20-34, col. 19, lines 4-6, col. 27, lines 63-67 and col. 28, lines 1-5) including:

changing a configuration of at least one component (col. 26, lines 45-58 and col. 28, lines 6-14; i.e. changing the color, flashing on or off, displaying in enlarged manner, changing display symbols) of components making up said building (col. 18, lines 20-34);

acquiring status information (col. 26, lines 4-52); and

determining an importance (i.e. the magnitude of significance of the fault) of said status information (col. 27, lines 40-54),

wherein, based on said importance of said status information, said changing the configuration of at least one component (col. 26, lines 45-58 and col. 28, lines 6-14; i.e. changing the color, flashing on or off, displaying in enlarged manner, changing display symbols) of components making up said building (col. 18, lines 20-34) deforming (i.e. changing display symbols) a shape of a shape-variable member disposed in said building (col. 26, lines 45-58 and col. 28, lines 6-14).

Kondo does not expressly teach applying current to a shape-variable member disposed around a point of entry in said building to transform said shape-variable member from a shape-fixed state to a shape-variable state to physically deform a shape of said shape-variable member or controls power supply to an electric socket disposed in said building to physically change said configuration.

Shaffer teaches controlling power supply (via Fig. 2B, element 258) to an electric socket (Fig. 1B, element 112; i.e. intelligent electrical outlet) disposed in said building (Fig. 1B, element 102) to physically change said configuration (col. 4, lines 33-43 and col. 7, lines 40-64; i.e. controlling power to intelligent electrical outlets).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Kondo to include controlling

power supply to an electric socket disposed in said building to physically change said configuration to effectively redistribute the timing of power consumption, thus alleviating potential power crises, and providing an automatic system for users to bid for lower cost power, and hence providing an automatic system for power companies to sell power during low power consumption periods (col. 2, lines 5-11).

11. As per claim 29, Kondo teaches a building (col. 19, lines 4-6, col. 27, lines 63-67 and col. 28, lines 1-5) comprising:

control means (Fig. 1a, element 103) for changing a configuration of at least one component (col. 26, lines 45-58 and col. 28, lines 6-14; i.e. changing the color, flashing on or off, displaying in enlarged manner, changing display symbols) of components making up said building (col. 18, lines 20-34);

acquiring means for acquiring status information (col. 26, lines 4-52); and
determining means for determining an importance (i.e. the magnitude of significance of the fault) of said status information acquired by said acquiring means (col. 27, lines 40-54), wherein,

based on said importance of said status information acquired by said acquiring means, said control means deforms (i.e. changing display symbols) a shape of a shape-variable member disposed in said building (col. 26, lines 45-58 and col. 28, lines 6-14).

Kondo does not expressly teach applying current to a shape-variable member disposed around a point of entry disposed in said building to transform said shape-

variable member from a shape-fixed state to a shape-variable state to physically deform a shape of said shape-variable member in said building or controls power supply to an electric socket disposed in said building to physically change said configuration.

Shaffer teaches controlling power supply (via Fig. 2B, element 258) to an electric socket (Fig. 1B, element 112; i.e. intelligent electrical outlet) disposed in said building (Fig. 1B, element 102) to physically change said configuration (col. 4, lines 33-43 and col. 7, lines 40-64; i.e. controlling power to intelligent electrical outlets).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Kondo to include controlling power supply to an electric socket disposed in said building to physically change said configuration to effectively redistribute the timing of power consumption, thus alleviating potential power crises, and providing an automatic system for users to bid for lower cost power, and hence providing an automatic system for power companies to sell power during low power consumption periods (col. 2, lines 5-11).

12. As per claim 30, Kondo teaches as set forth above the control device according to claim 1, wherein, based on said status information acquired by said acquiring means, said control means displays images on an inner portion of said building to visually change said configuration (col. 26, lines 45-58 and col. 28, lines 6-14; i.e. changing the color, flashing on or off, displaying in enlarged manner).

13. As per claim 31, Kondo teaches as set forth above based on said status information changing a configuration of at least one component (col. 26, lines 45-58 and col. 28, lines 6-14; i.e. changing the color, flashing on or off, displaying in enlarged manner, changing display symbols) of components making up said building (col. 18, lines 20-34) displays images on an inner portion of said building to visually change said configuration (col. 26, lines 45-58 and col. 28, lines 6-14; i.e. changing the color, flashing on or off, displaying in enlarged manner).

14. As per claim 32, Kondo teaches as set forth above based on said status information acquired by said acquiring means, said control means displays images on an inner portion of said building to visually change said configuration (col. 26, lines 45-58 and col. 28, lines 6-14; i.e. changing the color, flashing on or off, displaying in enlarged manner).

15. As per claim 33, Kondo teaches as set forth above said status information includes information indicating illumination in said component (col. 30, lines 29-61).

16. As per claim 34, Kondo teaches as set forth above status information storing means (Fig. 11, element 900) for storing a list (Fig. 11, element 903) relating to said status information (col. 20, lines 10-19, col. 26, lines 52-58 and col. 27, lines 43-54).

17. As per claim 36, Kondo teaches as control device for controlling components of a building, comprising:

a control unit (Fig. 1a, element 103) configured to change a configuration of at least one component of components making up said building (col. 18, lines 20-34, col. 19, lines 4-6, col. 27, lines 63-67 and col. 28, lines 1-5);

an acquiring unit configured to acquire status information (col. 26, lines 4-52);
and

a determining unit configured to determine an importance (i.e. the magnitude of significance of the fault) of said status information acquired by said acquiring unit (col. 27, lines 40-54),

wherein, based on said importance of said status information acquired by said acquiring unit, said control unit deforms (i.e. changing display symbols) a shape of a shape-variable member disposed in said building (col. 26, lines 45-58 and col. 28, lines 6-14).

Kondo does not expressly teach applying current to a shape-variable member disposed around a point of entry in said building to transform said shape-variable member from a shape-fixed state to a shape-variable state to physically deform a shape of said shape-variable member disposed in said building or controls power supply to an electric socket disposed in said building to physically change said configuration.

Shaffer teaches controlling power supply (via Fig. 2B, element 258) to an electric socket (Fig. 1B, element 112; i.e. intelligent electrical outlet) disposed in said building (Fig. 1B, element 102) to physically change said configuration (col. 4, lines 33-43 and col. 7, lines 40-64; i.e. controlling power to intelligent electrical outlets).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Kondo to include controlling power supply to an electric socket disposed in said building to physically change said configuration to effectively redistribute the timing of power consumption, thus alleviating potential power crises, and providing an automatic system for users to bid for lower cost power, and hence providing an automatic system for power companies to sell power during low power consumption periods (col. 2, lines 5-11).

18. As per claim 38, Kondo teaches as set forth above said status information is information indicating the status illumination in said component (col. 30, lines 29-61).

19. As per claim 39, Kondo teaches as set forth above a status information storing means (Fig. 11, element 900) for storing a list (Fig. 11, element 903) relating to said status information (col. 20, lines 10-19, col. 26, lines 52-58 and col. 27, lines 43-54).

20. As per claim 40, Kondo teaches as set forth above said control unit displays images on an inner portion of said building to visually change said configuration (col.

26, lines 45-58 and col. 28, lines 6-14; i.e. changing the color, flashing on or off, displaying in enlarged manner).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to controlling remote devices.

U.S. Patent No. 5,818,710 discloses an electric socket that is locally or remotely controlled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER L. NORTON whose telephone number is (571)272-3694. The examiner can normally be reached on Monday-Friday between 9:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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/Albert DeCady/
Supervisory Patent Examiner
Art Unit 2121

/JLN/